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The foundational moment of Guatemala: the risk of seeing democracy just as electoral democracy

As a product of the process of transition towards democracy that more than 40 countries lived during the middle sixties –which started with the transitions of Portugal, Greece and Spain-, during what was named *the third wave of democratization*, democracy required changes in the State design that each of these countries used to have.

Guatemala was not the exception for this. A new institutional design was demanded as a product of a political pact that would obtain its sustenance from the negotiation of a new Constitution which would allow the turnover of not only the power from military to civilians, but also changing the logic from a counterinsurgent State to one that would allow at least, electoral democracy.

The main problem in Guatemala's case resided precisely on visualizing democracy just as a guarantee for free election to participate through the vote and for politicians to be able to participate in a transparent plane, without grater inclusion of citizens.

Through a pact among elites, which included military, the organized economic sector and the back then active political parties, a transition towards democracy was conceived and it formally started in 1985, with a National Constituent Assembly that produced new institutions through a new Constitution. All of this, in the middle of the Cold War and an internal armed conflict that the country suffered from since 1960, because of the fight that the State held against the guerrilla fronts that followed a Marxist ideology.

The citizens backed this transition towards democracy through their vote with the highest percentage of participation in the history of the country's democratic life. An election with more than 78.1 % of voters exercising their right to suffrage has never been repeated.

Nevertheless, that foundational moment of Guatemala's contemporary State had a series of implication linked to the historical moment that the country was living through and the actors previously mentioned that were a part of it.

There were coup attempts in 1988 and 1989 during the first civilian government of transition that demonstrated that the tendency to authoritarian models had not completely disappeared within the military institutionalism and the conservative sectors of society.

In addition to that, democracy was put in check in 1993 with the self-coup attempt on behalf of Jorge Serrano Elías, which was not successful due to the refusal of the different sectors to approve a constitutional breakdown, but did alter the political design through constitutional reforms that were created that same year, which limited politicians by reducing their term from five to four years. Furthermore, they had limitation in the selection of public functionaries, accentuating the participation of postulation committees and establishing changes in discretionary expenses, among others.

The model under test

As a product of an institutional design conceived in the middle of an internal armed conflict, characterized by constant coups and electoral fraud, politicians visualized democracy only as a guarantee for a transparent election process and for the elected ones to be able to finish their government term. The direct changes on the participation model that society would have within the new political system had not been originated yet.

As a part of the transition process towards democracy, a new political parties system was created, a multi-party system with no dominant party that intended to guarantee the participation of most citizens and the different ways of thinking that existed in that time, as long as they were in accordance with the constitutional order.

This model that searched for the expression of multiple political parties has had to face reality with the course of time. Along with a political system that searches for representativeness, above the citizen's direct participation on decision making, a non-solid political parties system was created, with no long time lasting intention, with perishable lifespan and lacking cadre's formation parties.

In Guatemala, the participation of the people that aims to be elected for a position is a fallacy, because politics is just an action of elites in its maximum expression. People are displeased with the way politicians act, because they only represent their own particular interest, which subtracts legitimacy from democracy that is a much more complex process than just electing authorities.

Guatemalan political parties have demonstrated as electoral democracy has been established, that they do not intend to reflect any idea or a defined way of thinking in an explicit manner. They only intend to be electoral vehicles in order to wangle a share of power or to obtain a public charge or position. Out of an average of 20 political parties that participate in each process, only two or three define their ideology to voters.

To exemplify, it can be mentioned that during the last 12 years, that is to say, three government terms approximately and half of the democratic life that the country recently has had, around a 52 % of political parties have disappeared because they do not obtain a minimum threshold of 5 % of the votes that the law demands or a deputy to the Congress of the Republic.

Furthermore, the rightful selection of candidates is still a part of the agenda that the country has pending. There are sparse processes of primary election, because the system does not demand that through its frame law, but it is left at the discretion of political parties, which keeps even their own affiliates from selecting their best option to present it in the political arena.

Suggestions for action

By visualizing democracy as just electoral democracy, the participation of society in regards to political conduction along with decision making are dramatically reduced because the State's actions are only in the hands of the highest functionaries. Different sectors should be added to political participation establishing mechanisms that somehow let them alter the power relations, according to the current institutional frame.

There are a series of discourses that condemn political participation because it is thought to be linked to the corruption that takes place in many cases, but not exclusively within the State. It is also worth to wonder if corruption and the abusive management of public institutionalism is an action owned by politicians, or if it is a part of a much more complex system that not only includes them, but also economic cartels with founts of legal origin, the high amount of illegal activities that have been developing and are much more accentuated within the last decades and even the population.

This exercise is necessary because it is generating a vicious circle that has strong social, economic, political and cultural implications, and also ethic. When corruption is conjugated with the high amounts of marginalization, poverty and inequality that exist in the country, it provides ease for political praxis to be seen as a natural mechanism that facilitates illegal enrichment, nepotism, clientelism, and the abuse of authority, among other factors that make democracy illegitimate.

As a result, we can see that voters themselves try to be added to this circle and obtain at least a bit of benefit out of what the State allows to profit from voting for a candidate who offers something concrete in exchange, not as a part of their government plan anymore, but within a logic that is openly clientelist.

One of the most determinant actions for the establishment of those changes lies in the creation of reforms to the model of electoral democracy that was designed during the transition. This means to generate changes in the political system through changes in the political parties and electoral systems.

These changes could be established, through an urgent, but conscious revision to the Electoral and Political Party Law, which even has a constitutional rank. Though there have been reforms done to this law, they have been very slight, since politicians have been the judge and part of the process, due to the fact that it has to be submitted to the Congress' consideration, the maximum participation entity of the political class.

This should not be a constraint for the constant action and demand for a readjustment on the original political model for a much more elaborated one that attempts to reflect a more active democracy with a high amount of citizens' participation in their corresponding decision making.

There are some groups that constantly try to push processes of changes on that law at the Congress of the Republic; and even others, more daring, assure that it is necessary to convoke a new National Constituent Assembly that provides changes that sustain the new State model.

In both cases, there must be an ample follow up to the proposals and the groups or actors they come from, because there are cartels trying to mold the State and its way of legitimizing the actions of political parties through changes in the Constitution and the Electoral and Political Party Law; which far from being beneficial, could accentuate even more the prejudices on the people and democracy itself.

It must be remembered how with the constitutional reforms of 1993 not only politicians' power was limited, but also limitations for the Central Bank to grant loans for the State were established. This makes the State turn to private banks to be able to finance, which is a clear benefit for the economic financial sector, who claim that in order to not generate inflation with the issuance of money paper, the State must turn to private banks with a much higher interest rate.

The discourse that politicians are bad administrators is a truthful one, but dangerous because it has been a weapon constantly used to alter the institutional design in favor of an economic cartel. Before this, it seems that what is needed is a mixed model, that makes not only the actions of politicians and the economic sector functional, but also those that come from the social representation in different instances.

This implies a much more active trade union participation on behalf of the people through their closest union trade organizations, where the academic sector can generate contributions, along with business people, workers, politicians and the sector of Non-Governmental Organizations in their corresponding responsibility areas and where the institutional design cannot be the exception.

Its functioning, analysis and recommendations must not be unknown to the people, because there is a need for a constant awareness of what is in risk for the country and the risks that permanently not following up the changes required from all the sectors of political action imply for democracy, where political parties as well as the electoral system cannot be about of discussion.

The lack of follow up to the public agenda and the absence of demand in media coverage, no matter how biased it is, it's dangerous, at least to legitimate actions. As an example of this, it can be mentioned that Guatemala counts on an Economic and Social Council since 2012 that discusses public policies on economic and social matters, where businessmen, workers and cooperatives have representation. The problem is that the people don't know about one single public policy issued by them, if there was.

In order to drawing conclusions, there are several points to be revised. One of them is that the model generated as a product of the democratic transition in 1985 has evolved, and therefore, it requires a redesign not of minor reforms but integral ones. An exercise of integral reforms to the Electoral and Political Party Law can provide us with a vision of what could be a reform to the Constitution.

For these changes in the model to be viable, the creation of a counterweight mechanism is necessary, thus starting with structural changes in the political parties system and the electoral system, for excellence will have an impact on a process of a State reform. Experience dictates that they are not easy processes, but processes that need a permanent accompaniment on behalf of the organized civilian society where it is valid that different groups are able to participate aiming to obtain the most collective benefit.

These changes don't mean that they will be of equal benefit to all the groups involved and for the vision they have of the parties and the State. On the contrary, this type of negotiations always imply suboptimal benefits, which means that some will get more than others, situation that is valid in politics, as long as it does not overpass the socially accepted parameters that are considered ethical.

The public audiences in the Congress of the Republic, the media pressure, the presentation before the people about the arguments of the risks that continuing to be sub-represented and/or for the political parties to be coopted by mafias that only intend to profit from the State imply for democracy, could be interesting mechanisms that, through an established schedule, could make possible to achieve agreements and consensuses with the political class and to consolidate structural changes within the system.

Notes

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Bibliography

Asamblea Nacional Constituyente 1985a. *Constitución Política de la República de Guatemala* (Guatemala: Tipografía Nacional).

Asamblea Nacional Constituyente 1985b. *Ley Electoral y de Partidos Políticos* (Guatemala: Tipografía Nacional).

Huntington, Samuel 1994 *La tercera ola. La democratización a finales del siglo XX* (Barcelona: Paidós).

Molina, Ignacio 1998 *Conceptos fundamentales de Ciencia Política* (Madrid: Alianza Editorial).

Sodaro, Michelle 2006 *Política y Ciencia Política* (Madrid: Mc Graw hill).